THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.5946 OF 2007

Dated: 03-04-2007

Between:

M/s Jaya Seeds Corporation …Petitioner

And

The Deputy Commissioner and
Two others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.5946 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The only grievance of the petitioner is that the order in revision was passed by the Deputy Commissioner (CT), Nizamabad Division, Nizamabad-the first respondent on 29-07-2006 without giving a chance of hearing to the petitioner. According to the order impugned, a show cause notice was issued to the petitioner on 20-04-2006 as to why the assessment made for the assessment year 2000-2001 be not revised. The petitioner/dealer received the notice on 05-05-2006, filed his written objections on 24-07-2006. In the objections, the petitioner had also made a request for personal hearing, but personal hearing was not given and after receiving objections on 24-07-2006, the order impugned was passed on 29-07-2006, presumably without hearing the petitioner. The order also did not disclose whether the petitioner was called for hearing of the case after he filed objections on 24-07-2006.

In this view of the matter, we set aside the order dated 29-07-2006. Objections have already been filed by the petitioner. The

petitioner shall appear before the first respondent on 25-04-2006 and the first respondent shall hear the petitioner and pass appropriate orders in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

(Bilal Nazki,J)

Dated 3rd April, 2007

(Nooty Ramamohana Rao,J)

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